GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - MA&UD Department - Allegations against officers of Machilipatnam Municipality on misuse of old age pension fund and giving illegal promotion to Sri B.V.Raghukanth as Head Master - Departmental action initiated against Sri T.Michael Madhukar, the then Junior Assistant (now retired), Machilipatnam Municipality, Krishna District under Rule-20 of A.P. Civil Services (CCA&) Rules, 1991 - Charges framed - Enquiry conducted - Charges held proved - Imposing a penalty of "5% cut in pension for a period of two (2) years, besides recovery of Rs.4,79,567/-" – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.II) DEPARTMENT

G.O.MS.No. 137 **Dated: 05-05-2020**

Read the following:-

1. From the General Administration (V&E) Department, Vigilance Report No.68, (C.No.1863/V&E/D1/10), dated.16.06.2010.
2. G.O.Rt.No.171, MA&UD (E1) Department, dated.11.02.2011.
3. WSD of Sri T.Michael Madhukar, Junior Assistant, Machilipatnam Municipality, dated. Nil received through the C&DMA., A.P., Hyderabad, Letter Roc.No.15547/2010/E1, dated.25.04.2011.
4. G.O.Rt.No.855, MA&UD (Vig.III.1) Department, dated.05.11.2014.
5. Enquiry Report from Sri D.Vizai Bhaskar, Additional Director & Enquiry Officer, dated.02.06.2017 received through DMA., A.P., Guntur, Lr.Roc.No.15547/2010/C3, dated.06.07.2017.
6. Govt.Memo.No.13091/Vig.II.1/2010, dated.12.12.2017.
7. Written representation of Sri T.M.Madhukar, Junior Assistant (retired), Gudivada Municipality, dated. Nil.
8. Govt.Memo.No.13091/Vig.II/2010, dated.04.7.2018 & 14.05.2019.
9. From the C&DMA., A.P., Guntur, Letter Roc.No.15547/2010/C3, dated.19.09.2019.
10. Govt.Memo.No.13091/Vig.II/2010, dated.17.10.2019.
11. Written explanation of T.M.Madhukar, the then Junior Assistant (retired) of Machilipatnam Municipality, dated. Nil.
12. Govt. Letter No.13091/Vig.II/2010, dated.20.01.2020.
13. From the Secretary, A.P. Public Service Commission, Vijayawada, Letter No.421/DC&C/2018, dated.11.02.2020.

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Whereas, it has been brought to the notice of the Government by the Director General, G.A. (V&E) Department that, certain allegations were leveled against Sri T.Michael Madhukar, the then Junior Assistant and other officials of Machilipatnam Municipality regarding misuse of old age pension fund for the period between 1997-1988 to 2000-2001 & giving illegal promotion to Sri B.V.Raghukanth to act as Head Master, misappropriation of Provident Fund of staff to the tune of lakhs etc. In the reference 1st read above, the Director General, G.A. (V&E) Department has therefore recommended to initiate disciplinary proceedings against Sri T.Michael Madhukar, the then Junior Assistant and other officials of Machilipatnam Municipality, Krishna District.

(P.T.O.)

2. Whereas, in the reference 2nd read above, Government have initiated disciplinary proceedings against Sri T.Michael Madhukar, the then Junior Assistant, Machilipatnam Municipality, Krishna District duly framing the following articles of charges under Rule-20 of APCS (CCA) Rules, 1991, directing him to submit his written statement of defence thereon;

Charge No.1: That he had failed to maintain the records and submit the acquaintances to the concerned which presumes that, without accounting the amounts received from the Project Director, District Rural Development Agency under National Old age Pension Scheme & National Family Benefit Scheme which leads misappropriation of an amount of Rs.47,60,676/- & Rs.35,000/- respectively in Machilipatnam Municipality.

Charge No.2: For the above mentioned commissions and omissions, he had exhibited lack of integrity, devotion to duty and conduct unbecoming of a member of service and thereby contravened Rule-3 of APCS (Conduct) Rules, 1964.

3. Whereas, in the reference 3rd read above, Sri T.Micheal Madhukar has submitted his written statement of defence and requested to drop further action against him. Having not convinced with the explanation, Govt. have appointed Sri D.Vizai Bhaskar, Additional Director, Vijayawada as an Enquiry Officer to inquire into the charges framed against Sri T.Michael Madhukar and two other charged officers of Machilipatnam Municipality vide reference 4th read above.

4. In the reference 5th read above, the Enquiry Officer has submitted the enquiry report stating that, Sri T.Micheal Madhukar, Junior Assistant has worked from 1997-1998 to 2000-2001 in Machilipatnam Municipality and failed to prepare the utilization certificates and obtained the acquaintances from the habitation officers, failed to hand over the acquaintances and utilization certificates to his successors and also failed to submit the voucher-wise remittance particulars for the disbursed and undisbursed pensions and NFBS funds. Finally, the enquiry officer has concluded that, two charges framed against Sri T.Micheal Madhukar were held proved in the enquiry.

5. In the reference 6th read above, Government after careful examination of the Enquiry report in detail, accepted the findings of Enquiry Officer and a copy of the enquiry report has been communicated to all the charged officers including Sri T.Michael Madhukar, the then Junior Assistant, Machilipatnam Municipality to offer his written representation on the findings of report of the Enquiry Officer, in terms of Rule 21 (2) of APCS (CCA) Rules, 1991. In the reference 7th read above, Sri T.Michael Madhukar has submitted his written representation and requested to drop further action.

6. Government after examining the case in detail, it has been provisionally decided to impose a penalty of "stoppage of two Annual Grade Increments with cumulative effect, besides recovery of loss caused to the Municipality" against Sri T.Michael Madhukar, the then Junior Assistant. While the matter stood thus, it has been brought to the notice of the Govt. that, Sri T.Michael Madhukar, the

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then Junior Assistant was retired from service on 31.05.2017 and as the above said proposed penalty could not be imposed, the Director of Municipal Administration, A.P., Guntur was requested to furnish the proportionate percentage of cut in pension along with period against him, which is equivalent to the proposed penalty, besides recovery of loss caused to the Municipality, for taking further necessary action in the matter in the reference 8th read above.

7. In the reference 9th read above, the Director of Municipal Administration, A.P., Guntur has informed that, the RDMA., Rajamahendravaram has submitted a detailed report on the proportionate percentage of cut in pension along with period i.e., to impose the punishment of 5% cut in pension for a period of two years, besides recovery of Rs.4,79,567/- against Sri T.Michael Madhukar, the then Junior Assistant (retired) and requested to issue necessary orders.

8. Government after examining the report, it has been decided to impose a penalty of 5% cut in pension for a period of two years, besides recovery of Rs.4,79,567/- against Sri T.Michael Madhukar, the then Junior Assistant (retired) and in the reference 10th read above, a show cause notice has been issued to the Charged Officer, as to why the above said penalty cannot be imposed against him. In reply, the Charged Officer has submitted his written representation stating that, he has already submitted his WSD as the proof of evidence at the time of enquiry and while stating among other things, he has requested to exempt him from the charges vide reference 11th read above.

9. As no new grounds put forth by the Charged Officer, Government after careful examination of the inquiry report and the written representation of the Charged Officer and after following due procedure, it has been provisionally decided to impose a penalty of "5% cut in pension for a period of two (2) years, besides recovery of Rs.4,79,567/-" against Sri T.Michael Madhukar, the then Junior Assistant (retired). In the reference 12th read above, the Secretary, A.P. Public Service Commission, Vijayawada was requested to convey the concurrence of the Commission to the Government's proposal.

10. In the reference 13th read above, the Secretary, A.P. Public Service Commission, Vijayawada has informed that, Commission agrees with the proposals of the Government, to impose a penalty of "5% cut in pension for a period of two (2) years, besides recovery of Rs.4,79,567/-" against Sri T.Michael Madhukar, the then Junior Assistant (retired), Machilipatnam Municipality and advised accordingly.

11. Government after careful and detailed examination of the matter, have decided to impose a penalty of "5% cut in pension for a period of two (2) years, besides recovery of Rs.4,79,567/-" against Sri T.Michael Madhukar, the then Junior Assistant (retired), Machilipatnam Municipality, since charges framed against him were held 'proved' in the enquiry.

12. Accordingly, Government hereby impose a penalty of "5% cut in pension for a period of two (2) years, besides recovery of Rs.4,79,567/-" against Sri

T.Michael Madhukar, the then Junior Assistant (retired), Machilipatnam Municipality, since charges framed against him were held 'proved' in the enquiry.

13. The Commissioner & Director of Municipal Administration, A.P., Guntur shall take necessary further action in the matter accordingly.

14. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

To
Sri T.Michael Madhukar, the then Junior Assistant (retired),
Machilipatnam Municipality - **through** the C&DMA, A.P., Guntur.
The Commissioner & Director of Municipal Administration, A.P., Guntur.
Copy to:
The Director General, G.A. (V&E) Department, A.P., Vijayawada.
The Secretary to A.P. Vigilance Commission, 5th Block, A.P. Secretariat.
The Municipal Commissioner, Machilipatnam Municipality, Krishna District.
The Municipal Commissioner, Gudivada Municipality, Krishna District.
The Secretary, A.P. Public Service Commission, Vijayawada.
The Accountant General (A&E), A.P., Hyderabad.
The Principal Accountant General (A&E), A.P., Vijayawada.
The Pay and Accounts Officer, Ibrahimpatnam, A.P., Krishna District.
SF/SCs.

// FORWARDED BY ORDER //

SECTION OFFICER.